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88TH CONGRESS
1st Session

SENATE

REPORT
No. 484

TRANSPORTATION HOME OF THE REMAINS OF FEDERAL
EMPLOYEES DYING IN ALASKA AND HAWAII

SEPTEMBER 10, 1963.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany S. 1973]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1973) to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

LEGISLATIVE HISTORY

During the 1st session of the 87th Congress, the Comptroller General proposed legislation to correct certain inconsistencies in existing law concerning Federal employees serving in Alaska and Hawaii. S. 1458, a bill to rectify these inconsistencies, was introduced and was favorably reported upon to the committee by the General Accounting Office, the Bureau of the Budget, the Civil Service Commission, and the Department of the Army. The Bureau of the Budget and the Civil Service Commission suggested an amendment making the measure effective on the dates on which Alaska and Hawaii became States, as it was on these dates that the inconsistencies arose. The amendment was adopted by the committee, and S. 1458 was favorably reported to the Senate (S. Rept. 484).

The measure passed the Senate on July 7, 1961, and was referred to the House Post Office and Civil Service Committee. It was not passed by the House, and it died at the end of the 87th Congress.

S. 1973, now strongly recommended by the Federal Aviation Agency, as well as those agencies cited above, is identical to S. 1458 as it passed the Senate.

STATEMENT

The act of July 8, 1940, authorized the defrayment by the Government of the expenses of (1) preparing and transporting to his former home or place of interment the remains of a Federal employee who dies while performing official duties in a "territory or possession of the United States," and (2) the expenses of transporting his family and household effects to his former home.

These expenses were paid in the case of employees dying on duty in the former territories of Alaska and Hawaii. Since Alaska and Hawaii became States, however, the Comptroller General has ruled that the authority of the act of July 8, 1940, has been canceled because these geographical areas are no longer territories or possessions of the United States.

On the other hand, the authority to pay a third category of expenses—preparation and transportation of the remains of dependents of employees stationed in Alaska and Hawaii—remains in effect. This is so because applicable law in this instance (the act of July 15, 1954) contains the geographical description of "a place outside the continental United States or in Alaska."

Thus, an inconsistency exists. Since the statehood of Alaska and Hawaii, the remains of a deceased dependent of an employee may be prepared and transported, but not the remains of the employee himself.

This measure corrects the inconsistency of existing law by authorizing the Government to pay the preparation and transportation costs in each of the three cases:

1. The cost of preparing and transporting to his home or official station or place of interment the remains of an employee who dies on duty in Alaska or Hawaii.
2. The cost of transporting to their homes a deceased employee's dependents and his household effects.
3. The cost of preparing and transporting to their home or official station or place of interment the remains of employees' dependents who die in Alaska or Hawaii.

S. 1973 has no effect upon existing law authorizing the return to his home or official station of the remains of an employee who dies while in a travel status.

The benefits authorized by S. 1973 would be effective retroactively with respect to employees who died in Alaska and Hawaii between the respective dates of their admission as States and the date of enactment.

AGENCY VIEWS

Following are letters from the Bureau of the Budget, the U.S. Civil Service Commission and the Comptroller General on S. 1458, to which S. 1973 is identical. Following also is a letter from the Federal Aviation Agency proposing that an identical measure (S. 1973) be introduced:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 26, 1961.

HON. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to your letter of March 29, 1961, requesting the views of the Bureau of the Budget on S. 1458, a bill to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes.

The act of July 8, 1940, among other things, authorizes the payment of the expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in "a Territory or possession of the United States" and the expenses of transporting his family and household effects to his former home. While those expenses were paid in the case of employees dying on duty in the former Territories of Alaska and Hawaii, the Comptroller General has ruled that they may not be paid in the case of employees stationed and dying in Alaska and Hawaii after they became States. On the other hand, the act continues to authorize the payment of the costs of transporting home the remains of dependents who die while residing with an employee performing duties "outside the continental United States or in Alaska." Thus, since statehood, the remains of a deceased dependent, but not those of the employee himself, may be returned at Government expense. (See decision of the Comptroller General reported in 39 Comp. Gen. 716.)

The benefits provided by the act of July 8, 1940, are a necessary corollary to the provisions of the Administrative Expenses Act of 1946 and other laws which authorize the payment of transportation expenses of new appointees going on tours of duty in Alaska and Hawaii and elsewhere outside the other 48 States. We believe the anomaly of being able to pay transportation expenses of appointees and not being able to pay for the return of the remains of deceased employees should be corrected.

As drafted, S. 1458 would become effective when enacted. We would favor the inclusion of language which would make the benefits effective retroactively with respect to employees dying in Alaska and Hawaii between the respective dates of their admission as States and the date of enactment. In order to accomplish this result we suggest that a subsection (b) be added to the bill, as follows:

"(b) The provisions of subsection (a) shall become effective with respect to Alaska and Hawaii, respectively, on and after the date each of them became a State of the United States of America."

With such an additional provision, the Bureau of the Budget would recommend enactment of S. 1458.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 1, 1961.

HON. OLIN D. JOHNSTON,
Chairman, Post Office and Civil Service Committee,
U.S. Senate.

DEAR SENATOR JOHNSTON: This is in further reply to your letter of March 29, 1961, requesting the views of the Commission on S. 1458, a bill to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes.

This bill restores authority to Federal agencies to defray the cost of returning to other States from Alaska and Hawaii the remains, families, and effects of employees who died while serving a tour of duty in Alaska or Hawaii. Up until the time that Alaska and Hawaii became States, the act of July 8, 1940, authorized payment for these expenses. However, the change in political status of Alaska and Hawaii had the effect, according to the Comptroller General, of canceling the authority for payment of these costs for deceased Federal employees in Alaska and Hawaii.

Sections 1 and 7 of the Administrative Expenses Act authorize the Federal agencies to pay transportation expenses for employees and their dependents from Alaska or Hawaii to their homes in other States after completing a tour of duty. It seems only reasonable for the Federal Government to pay the costs for transporting the remains, families, and effects of employees who died while serving a tour of duty in Alaska or Hawaii.

The Commission favors enactment of this bill with the amendment proposed by the Bureau of the Budget to make the bill effective retroactively to the dates on which Alaska and Hawaii became States.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission.

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

FEDERAL AVIATION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., July 19, 1963.

HON. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes.

The proposal is part of the Federal Aviation Agency's legislative program for 1963. The draft bill is identical to S. 1458, which was introduced in the last Congress and passed by the Senate. The Civil Service Commission and the Bureau of the Budget reported favorably on S. 1458 and they concur in the present submission.

The purpose of this proposal is to authorize the payment of the expenses of preparing and transporting to his former home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska and Hawaii and the expenses of transporting his family and household effects to his former home.

Up until the time that Alaska and Hawaii became States, the act of July 8, 1940, authorized payment for these two categories of expenses. However, the change in political status of Alaska and Hawaii from territories to States had the effect of canceling the authority, because the authorizing provisions contained the geographical description of "a Territory or possession of the United States," which excluded Alaska and Hawaii when they became States.

The authority to pay a third category of expenses—transportation of the remains of dependents of employees stationed in Alaska or Hawaii to their former home—was added to the 1940 act by the act of July 15, 1954. This authority was not affected when Alaska and Hawaii became States, because the 1954 amendment contained the geographical description of "a place outside the continental United States or in Alaska." Thus, we have the inconsistent situation where the remains of a dependent of an employee stationed in Alaska or Hawaii can be returned at Government expense, but the remains of the employee cannot be.

This bill is motivated by geography, not political status. It does not involve special legislative treatment for Alaska and Hawaii. It does involve recognition of geographical factors which the conferring of political status could not change and which pose special problems in the recruitment of personnel for the conduct of Federal activities in these areas.

As evidence of the very practical distinctions posed by the geographic location of Hawaii and Alaska, which the Congress continues to recognize in other statutes, section 7 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-3) may be cited. This section provides that an employee cannot be sent to posts outside the continental limits of the United States (including Hawaii and Alaska) at Government expense unless he signs an agreement to remain there for at least 12 months (this Agency and the Departments of Defense and Interior require a 2-year tour in Alaska and Hawaii). If the employee breaches this agreement, he is indebted to the Government for the cost of transportation to the post of assignment. Further, this section requires an agency to return the employee, his family, and his effects to his actual place of residence after not less than 1 nor more than 3 years of service (unless the employee agrees to an extended tour). Finally, the section permits an agency to return an employee and his family to his place of residence prior to the expiration of the original agreement if his separation is for "reasons beyond the control" of the employee.

The Comptroller General has construed this latter provision to permit the return of dependents of a deceased employee since death was, obviously, beyond the control of the employee (40 Comp. Gen. 196). In the same opinion, however, the Comptroller held that the section did not authorize the return of the employee's remains. He reasoned that the act of July 8, 1940, which relates to return of remains of employees (but upon statehood became inapplicable to Alaska and Hawaii) was exclusive authority and, therefore, that the Administra-

tive Expenses Act of 1946 applied only to living persons. It is this decision which motivates the amendment to the act of 1940 herein.

As the law now stands, if an employee of this Agency should serve 2 years in Alaska or Hawaii, this Agency would be obligated by statute and contract to return the employee, his dependents, and his effects to his place of residence in one of the other 49 States. However, should the same employee die after completion of 2 years service in Alaska or Hawaii but before commencing travel to his place of residence, the Agency could not return his remains, although we could return his dependents and his household effects. Finally, and to complete the inconsistency, if a dependent of an employee dies at anytime during the employee's service in Alaska or Hawaii, the Agency may return the dependent's remains. For these reasons, we earnestly recommend Congress early and favorable consideration of this corrective legislation.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program to the submission of the proposed legislation to the Congress.

Sincerely,

(Signed) N. E. HALABY, *Administrator*.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic*, existing law proposed to be omitted is enclosed in black brackets, existing law in which no change is proposed is shown in roman):

ACT OF JULY 8, 1940

(5 U.S.C. 103a)

SEC. 103. (a) In case any civilian officer or employee of the United States dies (1) while in a travel status away from his official station in the *continental* United States, *excluding Alaska*, or (2) while performing official duties [in a Territory or possession of the United States or in a foreign country] *outside the continental United States or in Alaska*, or in transit thereto or therefrom, the head of the department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department, in the service of which such officer or employee was engaged, is hereby authorized, under regulations to be prescribed by the President and except as otherwise provided by law, to pay from the appropriation available for the activity in which he was engaged—

(a) In case of the death of the officer or employee in such travel status in the *continental* United States, *excluding Alaska*, or in the case of the death of the officer or employee while performing official duties [in a Territory or possession of the United States or in a foreign country] *outside the continental United States or in Alaska* or in transit thereto or therefrom, the expenses of preparing and transporting the remains of such officer or employee to his home or official station or such other place as the head of the department concerned shall determine to be the appropriate place of interment.

(b) In case of the death of the officer or employee while performing official duties [in a Territory or possession of the United States or in a foreign country] *outside the continental United States or in Alaska* or in transit thereto or therefrom, the transportation expenses of his dependents, including expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property to his former home or such other place as the head of the department shall determine.

(c) In the case of dependents of a civilian officer or employee who died while residing with such civilian officer or employee performing official duties at a place outside the continental United States or in Alaska or while in transit thereto or therefrom, the head of the department concerned is authorized to pay the necessary expenses incurred for the transportation of remains to such person's home or to such other place as the head of the department concerned shall determine to be the appropriate place for interment. Mortuary services and supplies may be furnished, if practicable, by the department concerned in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the head of such department. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this paragraph shall be collected and credited to current appropriations available for the payment of such costs.

○

P. L. 76-729

To defray the cost of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any civilian officer or employee of the United States dies (1) while in a travel status away from his official station in the United States or (2) while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the head of the department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department, in the service of which such officer or employee was engaged, is hereby authorized, under regulations to be prescribed by the President and except as otherwise provided by law, to pay from the appropriation available for the activity in which he was engaged--

(a) In case of the death of the officer or employee in such travel status in the United States, or in the case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the expenses of preparing and transporting the remains of such officer or employee to his home or official station or such other place as the head of the department concerned shall determine to be the appropriate place of interment.

(b) In case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the transportation expenses of his dependents, including expenses incurred in packing, crating, draying, and transportation of household effects and other personal property to his home or such other place as the head of the department shall determine.

Sec. 2. The benefits of section 1 of this Act shall not be denied in any case on the ground that the deceased was temporarily absent from duty when death occurred.

Sec. 3. This Act shall become effective sixty days after its enactment.

Approved, July 8, 1940

E. O. 10208

Title 3—The President

the Revised Statutes of the United States (31 U. S. C. 672), (b) section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 673), and (c) such other laws as the President may hereafter specify.

5. Thirty days after the presentation of its final report to the President, the Commission shall cease to exist unless the President shall otherwise direct.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 23, 1951.

EXECUTIVE ORDER 10208

PROVIDING FOR THE ADMINISTRATION OF
THE YUGOSLAV EMERGENCY RELIEF
ASSISTANCE ACT OF 1950

By virtue of the authority vested in me by the Constitution and the statutes, including the Yugoslav Emergency Relief Assistance Act of 1950, approved December 29, 1950 (Public Law 897, 81st Congress), and the act of August 8, 1950 (Public Law 673, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State is authorized and directed to perform the functions and exercise the powers and authority vested in the President by the Yugoslav Emergency Relief Assistance Act of 1950.

2. Of the funds heretofore appropriated to carry out the Economic Cooperation Act of 1948 (62 Stat. 137), as amended, \$37,800,000 are withdrawn from the Economic Cooperation Administration and are transferred to the Department of Agriculture to be administered under the said Yugoslav Emergency Relief Assistance Act of 1950 as directed by the Secretary of State.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 25, 1951.

EXECUTIVE ORDER 10209

AMENDING EXECUTIVE ORDER NO. 8557 OF
SEPTEMBER 30, 1940,¹ ENTITLED "PRE-
SCRIBING REGULATIONS GOVERNING THE
PAYMENT OF EXPENSES INCURRED IN
CONNECTION WITH THE DEATH OF CER-
TAIN CIVILIAN OFFICERS AND EMPLOYEES
OF THE UNITED STATES"

By virtue of and pursuant to the authority vested in me by the act of July

8, 1940, 54 Stat. 743, it is ordered that section 3 of Executive Order No. 8557 of September 30, 1940, prescribing regulations governing the payment of expenses incurred in connection with the death of certain civilian officers and employees of the United States, be, and it is hereby, amended to read as follows:

Sec. 3. *Preparation of remains.* The costs of preparation of remains allowable under section 2 of these regulations shall include costs of embalming, cremation, necessary clothing, and casket. The total amount allowed for such preparation shall not exceed \$150.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 1, 1951.

EXECUTIVE ORDER 10210

AUTHORIZING THE DEPARTMENT OF DE-
FENSE AND THE DEPARTMENT OF COM-
MERCE TO EXERCISE THE FUNCTIONS AND
POWERS SET FORTH IN TITLE II OF THE
FIRST WAR POWERS ACT, 1941, AS
AMENDED BY THE ACT OF JANUARY 12,
1951, AND PRESCRIBING REGULATIONS FOR
THE EXERCISE OF SUCH FUNCTIONS AND
POWERS

By virtue of the authority vested in me by the First War Powers Act, 1941, as amended by the act of January 12, 1951, entitled "An Act To amend and extend title II of the First War Powers Act, 1941" (Public Law 921, 81st Congress), hereinafter called the Act, and as President of the United States and Commander in Chief of the armed forces of the United States, and deeming that such action will facilitate the national defense, it is hereby ordered as follows:

PART I

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts.

2. The Secretaries of Defense, the Army, the Navy, and the Air Force may

¹ 3 CFR, 1943 Cum. Supp.

Chapter II—Executive Orders

E. O. 8557

Thence from said point in the low-water line S. 35°30' E., 356 ft., to a U. S. stone monument;

Thence S. 51°40' W., along the top of the north bank of the canal to a point in the section line between sections 34 and 35;

Thence south along the section line 191 ft., to the point of beginning, containing approximately 29.41 acres, having been purchased in fee simple from E. C. Ashford, and J. H. Harris, Commissioners, by deed dated May 20, 1881, recorded in Deed Book "S", pages 549, 550, and 551, in the office of the Judge of Probate, Lawrence County, Alabama, and from M. J. Gilchrist, Sr., Commissioner, by deed dated April 1, 1891, recorded in Deed Book "Y", page 439, in the office of the Judge of Probate mentioned above.

FRANKLIN D. ROOSEVELT
THE WHITE HOUSE,
September 28, 1940

EXECUTIVE ORDER 8557

**PRESCRIBING REGULATIONS GOVERNING THE
PAYMENT OF EXPENSES INCURRED IN
CONNECTION WITH THE DEATH OF CER-
TAIN CIVILIAN OFFICERS AND EMPLOYEES
OF THE UNITED STATES**

By virtue of and pursuant to the authority vested in me by the act of July 8, 1940, Public No. 729, 76th Congress, entitled, "An Act to defray the cost of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes", I hereby prescribe the following regulations governing the payment of expenses authorized by that Act:

PART I—DEFINITIONS

SECTION 1. As used in these regulations:

- (a) "Employee" means civilian officer or employee of the United States.
- (b) "Home" means a fixed or permanent dwelling place synonymous with place of fixed abode as distinguished from a mere temporary residence.
- (c) "Dependents" includes a lawful widow; children, stepchildren, and adopted children, if unmarried, under

twenty-one years of age, and in fact dependent upon the decedent for support, or if physically or mentally incapable of self-support regardless of age; and dependent parents who were a part of the decedent's household.

(d) "Department" includes independent establishment, agency, or federally owned or controlled corporation.

(e) "Continental United States" means the 48 States and the District of Columbia.

**PART II—PREPARATION AND TRANSPORTATION
OF THE REMAINS OF EMPLOYEES DYING
WHILE IN A TRAVEL STATUS AWAY FROM
THEIR OFFICIAL STATION AND WITHIN THE
CONTINENTAL LIMITS OF THE UNITED
STATES**

SECTION 2. When an employee dies while traveling on official business within the continental limits of the United States, the head of the department concerned shall pay the expenses of preparing the remains of the decedent and of transporting the remains to the home or official station of the decedent or to such other place as the head of the department may designate as the appropriate place of interment, provided that in no case shall the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant.

SECTION 3. Preparation of Remains. The costs of preparation of remains allowable under section 2 of these regulations shall include costs of embalming, cremation, necessary clothing, and casket. The total amount allowed for such preparation shall not exceed \$100.^{150 by EO 10209 Feb 3, 1951}

SECTION 4. Transportation of Remains. The costs of transportation of remains allowable under section 2 of these regulations shall include the costs of removal of the remains from the place where death occurred to an undertaking establishment, procurement of burial and shipping permits, furnishing an outside case for shipment (including, when necessary, the sealing of such shipping case), removal to a common carrier, transporting the body by common carrier, and one removal at the place of interment from the common carrier to

an undertaking establishment or other place of immediate delivery. Instead of conveyance by common carrier, removal of the remains overland by hearse (including ferry charges, bridge tolls, and similar items) may be allowed, provided that the total charges for transportation shall not exceed the total costs of transportation had conveyance been made by common carrier. If conveyance is by hearse, no allowance shall be made for an outside shipping case.

PART III—PREPARATION AND TRANSPORTATION OF REMAINS OF EMPLOYEES DYING WHILE IN A TRAVEL STATUS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES OR WHILE ON ASSIGNMENT TO A POST OUTSIDE THE UNITED STATES

SECTION 5. When an employee dies while traveling on official business outside the continental limits of the United States or while on assignment to a post outside the United States, the head of the department concerned shall pay the expenses of preparing the remains of the decedent and of transporting the remains to the home or official station of the decedent or to such other place as the head of the department may designate as the appropriate place of interment, provided that in no case shall the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant.

SECTION 6. Preparation of Remains. The costs of preparation of remains allowable under section 5 of these regulations shall include all the ordinary costs of embalming, cremation, necessary clothing, and a casket or container suitable for shipment to the place of interment. There shall also be allowed any expenses necessarily incurred in complying with local laws and laws at the port of entry in the United States relative to the preparation of dead bodies for transportation and burial.

SECTION 7. Transportation of Remains. The costs of transportation of remains allowable under section 5 of these regulations shall include the charges for removal of the decedent's remains from the place where death occurred to an undertaking establish-

ment, from the undertaking establishment to a common carrier, thence by common carrier to the place of interment, and one removal at the place of interment from the common carrier. The remains may be transported by means other than by common carrier, provided that when conveyance by common carrier is available there shall be allowed toward the expense of such other transportation an amount not in excess of the sum allowable had the remains been transported by common carrier.

PART IV—TRANSPORTATION OF DEPENDENTS AND HOUSEHOLD EFFECTS AND OTHER PERSONAL PROPERTY OF EMPLOYEES DYING DURING A PERIOD OF ASSIGNMENT TO A POST OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SECTION 8. When an employee dies during a period of assignment to a post outside the continental limits of the United States or while in transit to or from such post, the head of the department concerned shall pay the costs of transportation of the dependents of the decedent and of the household effects and other personal property of the decedent and his dependents to his former home or to such other place in the United States not more distant than the former home as the head of the department may designate.

SECTION 9. Transportation of Dependents. The costs of transportation of dependents allowable under section 8 of these regulations shall include the actual costs of transporting such of the dependents of the decedent as are outside the continental limits of the United States to the designated destination, provided that the costs shall not exceed the costs of transportation by the most direct route from the official station of the deceased employee to said destination, and provided that travel is undertaken during the period of one year from the date of death of the decedent. Such transportation shall be subject to the provisions of the Standardized Government Travel Regulations and such regulations as the heads of the respective departments may prescribe thereunder governing the payment of transportation expenses generally.

SECTION 10. Transportation of Personal Effects. The costs of transportation of personal property other than household effects allowable under section 8 of these regulations shall include the expenses actually and necessarily incurred in transporting said personal effects as baggage, subject to the provisions of the Standardized Government Travel Regulations governing the payment of charges for the transportation of baggage generally. Expenses in connection with the transportation of baggage by private conveyance which would not have been incurred had the baggage been transported by common carrier shall not be allowed. Reimbursement for loss or damage to baggage during transit shall not be allowed, nor shall charges for marine and other insurance be allowed.

SECTION 11. Transportation of Household Effects. The costs of transportation of household effects allowable under section 8 of these regulations shall include costs of packing, crating, drayage, and transportation subject to the following restrictions governing payment of such costs:

(a) *Items allowable as household effects.* Household effects shall be deemed to include such furniture and furnishings as are usual and necessary for the maintenance of a household establishment and as are of sufficient intrinsic value reasonably to justify their transportation, but for the purposes of these regulations shall not include groceries, provisions, wines, liquors, animals, or birds.

(b) *Shipment usually to be by freight by most economical route.* Shipment of household effects shall be made by ordinary freight service by the most economical route unless otherwise specifically authorized by the head of the department concerned. In the absence of such authorization, the expense of shipping household effects by a method other than that indicated above shall be allowed in an amount not to exceed the cost of shipping such effects by freight by the most economical route.

(c) *Maximum allowances of weight and volume allowable.* Except as hereinafter provided, the maximum number of pounds of household effects when packed and crated, or boxed, or packed

in lift vans for shipment by freight, for which payment shall be allowed, shall be as follows:

Class of personnel	When family is at post	When family is not at post
Employees in grade CAF-15 or above or receiving a salary payable in such grade or above	24,000	19,000
Employees in grade CAF-12, CAF-13, or CAF-14, or receiving a salary payable in such grades	20,000	15,500
Employees in grade CAF-9, CAF-10, or CAF-11, or receiving a salary payable in such grades	16,500	12,000
Employees in grade CAF-6, CAF-7, or CAF-8, or receiving a salary payable in such grades	13,000	8,500
Employees in grade CAF-5 or below or receiving a salary payable in such grade or below	11,400	6,720

When shipment of effects for any portion of the journey is covered by a bill of lading stating that charges are computed only on a measurement basis instead of a weight basis, the maximum number of measurement tons (measuring 40 cubic feet each) for which payment shall be allowed, shall be as follows:

Class of personnel	When family is at post	When family is not at post
Employees in grade CAF-15 or above or receiving a salary payable in such grade or above	60	49
Employees in grade CAF-12, CAF-13, or CAF-14, or receiving a salary payable in such grades	52	40
Employees in grade CAF-9, CAF-10, or CAF-11, or receiving a salary payable in such grades	48	33
Employees in grade CAF-6, CAF-7, or CAF-8, or receiving a salary payable in such grades	24	26
Employees in grade CAF-5 or below or receiving a salary payable in such grade or below	31	24

When shipments involve weight consideration over one portion of the distance and measurement over another portion, payment shall be allowed for charges for the entire distance regardless of measurements if the weight does not exceed the weight limitations previously indicated. Payment of actual charges shall also be allowed for the entire distance regardless of weight, provided the measurements do not exceed those previously indicated.

When shipments involve weight and measurement considerations over different portions of the distance, and measurement and weight are both in excess of the limitations herein prescribed, payment shall not be allowed for weight excess where weight considerations are involved or for measurement excess where measurement considerations are involved. Allowances for packing shall be computed on the basis (weight or measurement) used in computing shipment charges at the initial stage of transit.

Within the continental limits of the United States, where the transportation of maximum allowances prescribed above at less than carload rates would cost as much as, or more than, a minimum carload, transportation of a minimum carload may be allowed regardless of the volume or weight of the shipment.

(d) *Shipment to be made on American ships.* If household effects must be transported by vessel, shipment shall be made on American ships unless otherwise specifically authorized by the head of the department concerned.

(e) *Other costs allowable in connection with transportation of household effects.* Payment shall also be made of expenses incurred in hiring and transporting lift vans, and in packing and crating, or boxing, or packing in lift vans for shipment. Allowance shall not be made for charges in connection with any shipment of empty lift vans, or for payment of storage charges or import duties on lift vans.

(f) *Time limit on shipment of effects.* Shipment of effects shall be made within one year of the death of the officer or employee, unless an extension is granted by the head of the department concerned prior to the expiration of that time.

PART V—GENERAL PROVISIONS

SECTION 12. *Notification of Relatives.* When the head of a department is informed of the death of an employee while in any status subject to the provisions of these regulations, he shall notify immediately the next of kin or legal representative of the decedent and render every reasonable assistance in arranging for preparation and transportation of the body. He shall also inform the next of kin or legal representative of the provisions of these regulations.

SECTION 13. *Method of Payment of Expenses.* The head of the department concerned may pay the expenses allowable under these regulations either directly to the persons performing the prescribed services or by reimbursement to any person who has made original payment of such expenses.

SECTION 14. *Death During Period of Absence from Duty.* When an employee dies while temporarily absent from duty during a period of travel on official business or during the period of his assignment to a post outside the continental limits of the United States, the provisions of these regulations shall apply, except that the amount allowed for the transportation of the remains to the place of interment shall not exceed the amount which would have been allowable had death occurred at the point from which the decedent departed on such temporary absence.

SECTION 15. *Escort for Remains.* Transportation expenses of an escort for the remains shall not be allowed. However, this shall not be construed to prohibit the use by an escort of one of the two tickets required to ship the remains as baggage by railroad.

SECTION 16. *Use of Government Bill of Lading.* If the shipment of remains is made by express, a Government bill of lading shall be used whenever possible.

SECTION 17. *Prohibition of Payments When Other Laws Apply.* No payment shall be made under the said act of July 8, 1940, for expenses of preparing and transporting the remains of any employee in any case where payment therefor is authorized by any other law of the United States, and where any other law of the United States provides for the payment of expenses of either of said services payment hereunder shall not be allowed for such service: *provided, however,* that nothing herein contained shall be construed as depriving any person of any payment hereunder because of the fact that the deceased employee was eligible for burial benefits on account of service rendered in the armed forces of the United States. No payment shall be made under the said act of July 8, 1940, for transportation of surviving dependents of a deceased employee and for transportation of household effects and other personal property in any case

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Chapter II—Executive Orders

E. O. 8560

where payment therefor is authorized by any other law of the United States.

SECTION 18. Effective Date; Publication. This order shall be effective as of September 6, 1940, and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE
September 30, 1940

EXECUTIVE ORDER 8558

TRANSFERRING CERTAIN LANDS TO THE SECRETARY OF AGRICULTURE FOR USE, ADMINISTRATION, AND DISPOSITION UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT

WHEREAS I find suitable for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof, the herein-after-described lands of the United States now under the supervision of the Secretary of Agriculture:

NOW, THEREFORE, by virtue of the authority vested in me by section 45 of the said Bankhead-Jones Farm Tenant Act, it is ordered that all the right, title, and interest of the United States in the following-described lands, comprising the Saluda Garden Homes Project of the Farm Security Administration of the Department of Agriculture, in Oconee County, South Carolina, be, and they are hereby, transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Act and the related provisions of Title IV thereof:

Lands conveyed to the United States by Birdie L. Patterson et al. and by Wm. B. Earle, Master, under deeds dated June 7, 1939, and January 26, 1940, respectively, and recorded with the Register of Mesne Conveyance for Oconee County, South Carolina, on January 26, 1940, in Vol. 4-V of Deeds, at pages 518 and 520, respectively, and containing 85.87 acres, more or less.

Lands conveyed to the United States by Mrs. H. A. (Alice Hewell) Stephens, Emory P. Stephens, Ralph O. Stephens, Andrew J. Stephens, Gladys Stephens McNichols, Kitty Stephens Cravens, and Alicia Stephens Luetgens, under deeds dated July 12, 1938, and recorded with

the Register of Mesne Conveyance for Oconee County, South Carolina, on October 12, 1938, in Vol. 4-R of Deeds, at pages 582 and 585, respectively, and containing 38.50 acres, more or less, and 43.00 acres, more or less, respectively.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
October 1st, 1940.

EXECUTIVE ORDER 8559

TRANSFERRING CERTAIN LANDS TO THE B. HERSHEY TO PERFORM CERTAIN DUTIES UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940

Under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940 (Public No. 783, 76th Congress), it is hereby ordered that pending the appointment of a Director of Selective Service under the provisions of section 10 (a) (3) of the said Act, Lieutenant Colonel Lewis B. Hershey, Field Artillery, United States Army, be, and he is hereby, designated, authorized, and empowered—

(1) To perform all duties in connection with the administration of the Selective Service law prescribed in paragraph 119, Section III, Volume One (Organization and Administration) of the Selective Service Regulations.

(2) To appoint necessary members of local boards, local board physicians, government appeal agents, and members of appeal boards, provided for in Sections V and VI, Volume One (Organization and Administration) of the Selective Service Regulations.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
October 4, 1940.

CROSS REFERENCES: For E.O. 8553, Sept. 28, 1940, on similar subject, see page 227 of this Supplement. For E.O. 8569, Oct. 17, 1940, supplementing this Executive order, see page 277 of this Supplement. For Volume One of the Selective Service Regulations, see E.O. 8545, Sept. 23, 1940, at page 199 of this Supplement.

EXECUTIVE ORDER 8560

SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Selective Training and Service Act of 1940, approved September 16, 1940,